



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, February 16, 2010 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	3/16/2010

Members Present

Brad Levering, Chair, Professional Member
Gary V. Parker, Vice Chair, Professional Member
Stephen Huston, Professional Member
William Diveley, Professional Member
Ronald Mandato, Professional Member
Frank Long, Public Member

Division Staff/Deputy Attorney General

Patricia Murphy, Deputy Attorney General
Nicole Williams, Administrative Specialist II
Kay Warren, Deputy Director, Division of Professional Regulation

Members Absent

Selena Zook, Public Member
Linda Carter, Public Member

Others Present

Barbara Gadbois, Deputy Attorney General
David May
Lorena Hartnett, Court Reporter
Jean Betley

Call to Order

Mr. Levering called the meeting to order at 9:45 a.m.

Formal Disciplinary Hearing: David G. May

This agenda item was tabled until Mr. May could arrive as he called and advised he was running late due to the weather conditions and traffic. The Council proceeded to agenda item 3.0, Review and Approval of Minutes.

The Hearing went on the record at 10:35 a.m.

Ms. Murphy introduced herself and the Council Members introduced themselves for the record. Ms. Murphy advised that Mr. May was appearing without representation and Mr. May concurred.

Ms. Murphy advised the Council of the complaint hearing before them. Mr. May advised the Council that he would request that Mr. Levering would recuse himself due to having completed an appraisal for Mr. Levering. Ms. Gadbois addressed the Council clarifying Mr. May's request. Mr. Levering advised that he will not recuse himself as he will be able to provide an unbiased decision. Mr. May's request will be noted.

Ms. Murphy advised the Council for the record that the State submitted State Exhibit 1. There were no objections to the submission.

The State provided their opening statement. Mr. May was sworn in and provided his testimony. The State had nothing further. The Council addressed Mr. May.

With no further questions from the Council, the State provided its arguing statement. Mr. May had no closing arguments. The Council went off the record at 11:14 a.m.

The Council went back on the record at 11:28 a.m.

Mr. Huston made a motion that case 19-12-07 for David G. May Council has found a violation of 24 Del. C. 4014(a)(2) and recommended that the Council issue a Letter of Reprimand to Mr. May, seconded by Mr. Diveley. The motion carried by majority vote.

Mr. levering made a motion to have an eight minute recess, seconded by Mr. Parker. Motion carried unanimously.

Review and Approval of Minutes

The Council reviewed the minutes from the January 19, 2010 meeting. Mr. Huston made a motion to accept the minutes as submitted, seconded by Mr. Diveley. The motion carried unanimously.

Unfinished Business

Strategic Planning

Draft Letter of Concern for Disciplinary Actions

Ms. Murphy advised the council of the updated draft letter she compiled and explained that this letter would be for non violations and does not address continuing education deficiencies. Mr. Huston advised that he approved of the draft as submitted. Mr. Mandato inquired as to what would be considered a non-violation. Mr. Huston advised that if there is a violation of the statute or regulations. Ms. Murphy advised that this letter would address issues that do not rise to the occasion as a violation of the rules and regulations or statute. Mr. Parker advised that this letter would be useful in addressing concerns in work samples submitted that the Council reviews that do not show a true violation. The Council further discussed. Mr. Huston made a motion for the

Council to adopt the letter of concern as submitted, seconded by Mr. Diveley. Motion carried unanimously.

Market Value vs. Loan Value

Ms. Williams advised the Council that the proposed statute change regarding the Real Estate Commission is currently on hold as the Real Estate Commission is under Sunset Committee Review for the next year of 2011. Ms. Warren advised the Council that Sunset Committee Hearings usually start early February in the year. There was no further discussion by the Council

Appraiser Trainee Supervising Requirements in the Regulations

Ms. Williams advised the Council that Mr. Levering requested at the last meeting to have this discussion regarding Mr. Earl Loomis's proposed statute changes regarding a licensed appraiser supervising trainees. The Council further discussed. Ms. Williams advised the Council that the regulations will need to be changed to coincide with the statute by striking licensed from the regulations as who may supervise trainees. Ms. Murphy provided the Council with the draft language regarding the statute changes proposed at the last meeting submitted by Mr. Earl Loomis for the Council to review. The Council reviewed and discussed the changes. Mr. Levering made a motion to adopt the drafted language, seconded by Mr. Parker. The motion carried unanimously.

Qualifying Mass Appraisal Experience: USPAP Compliant Appraisal Reports

Ms. Williams advised the Council that at the last meeting there were questions regarding what is required in reviewing the work samples submitted from applicants. Ms. Williams advised that the current regulations state that the appraisal reports should be USPAP compliant and inquired from the Council what is the next step once the reports are found non USPAP compliant. Mr. Huston suggested that the Council proceed by informing the applicant how the reports are deficient and having the applicant correct the deficiencies and resubmit the reports for another Council Member to review. The Council further discussed. Mr. Huston clarified for Ms. Murphy the basis for reviewing appraisal reports. The Council further discussed. Mr. Huston advised that a letter should be sent stating "The enclosed submitted reports were denied because they were deficient for the reasons stated below...." Mr. Huston advised that the reports are to be USPAP compliant and should be reviewed for that. Mr. Long advised that the response letter shows a review of the reports. Ms. Williams explained how the whole process for reviewing reports came about due to the new Appraisal Qualifications Board standards that were developed as of January 1, 2008. The Council further discussed. A motion was made by Mr. Diveley, seconded by Mr. Huston to table this agenda item until after disciplinary hearing. The motion carried unanimously. The Council tabled this item until after the disciplinary hearing.

The Council re-adjourned at 11:44 a.m. and referred back to this issue. Mr. Mandato advised the Council of the deficiencies he noted on the reports her reviewed. The Council further discussed. Mr. Huston inquired if Ms. Williams would read the regulations or statute that defines specifically what the review shall consist of.

Form Subcommittee for Rules and Regulations Review

The Council decided to table this item until further notice.

Form Subcommittee for Assessors Regulations

The Council decided to place this item on the March agenda as it is an issue that the Council needs to discuss and formulate guidelines for regulating assessors.

Status of Complaints

There were no complaint updates for the Council to report.

New Business

Corrected Final Decision and Orders

The Council resigned the amended final order for Jeanne Parrott as the last order was not correctly dated.

Proposed change regarding CMA-BPO

Mr. Huston provided draft language prepared by Mr. Witt, Mr. Loomis, and Mr. Huston in response to changes made by Real Estate Commission. The proposed changes made by the Real Estate Commission were in response to letters sent by the Council regarding concerns. Ms. Hickey explained that the issue stands as Real Estate Agents and Brokers are trying to expand abilities, which proposes conflicts with the responsibilities of licensed appraisers exclusively. Ms. Hickey clarified for the public members why the Real Estate Commission is seeking the proposed statutory amendment. The Council reviewed the proposed legislative changes by the Real Estate Commission. Mr. Huston recommended number three (3) be stricken from the proposed amendments. Mr. Cahall left the meeting at 11:51 am. After discussion, Mr. Parker made a motion, seconded by Mr. Diveley to have the language drafted by Mr. Witt, Mr. Loomis, and Mr. Huston submitted to the Real Estate Commission. The motion was unanimously carried.

Review of Licensed Real Property Appraiser Applications

The Council reviewed the request to sit for the appraiser exam for W. Gayle Parker due to a testing service error. Mr. Huston made a motion to approve her to sit for the exam, seconded by Mr. Diveley. The motion carried unanimously.

Wayne Kersey – Mr. Parker advised that he will review the log and request the work samples.

There was no further discussion.

Review of Continuing Education Activities

The Council reviewed the Continuing Education Activities applications that were submitted. Mr. Huston made a motion, seconded by Mr. Diveley to approve all of the applications submitted for The Philadelphia Chapter of the Appraisal Institute, McKissock, NCCBOR/DE Chapter Appraisal Institute, and NJ-NAIFA/National Association of Independent Fee Appraisers. The motion carried unanimously.

Mr. Levering made a motion, seconded by Mr. Huston to approve all the applications submitted by Dynasty School, Maryland Association of Appraisers and the Appraisal Institute. The motion carried unanimously.

Mr. Mandato made a motion, seconded by Mr. Parker to approve the applications submitted by Mesa Community College. The motion unanimously carried.

Ratification of Issued Licenses List

Ms. Williams advised that licenses were issued to David E. Cadell (Certified General Real Property Appraiser), Matthew E. Perri (Certified Residential Real Property Appraiser), and Timothy Larimore (Certified Residential Real Property Appraiser). A motion was made by Mr. Diveley, seconded by Mr. Parker to ratify the listing. The motion carried unanimously.

Review of Temp Applications (for discussion only)

Ms. Williams advised the Council of the temp applications issued to Jeffrey Carroll, Matthew Bilger, David Salinas, and Troy Fatout.

There was no further discussion by the Council.

Complaint Assignments and Reassignments

There were no new complaints for the Council.

Other Business before the Council (for discussion only)

There was no other business discussed by the Council.

Public Comment

There was no public comment.

Next Meeting

The next meeting is scheduled for March 16, 2010 at 9:30 a.m. in Conference Room A, second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Levering made a motion to adjourn the meeting, seconded by Mr. Diveley. There being no further business before the Council the meeting adjourned at 12:47 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams
Administrative Specialist II